

**REGIONAL
ENVIRONMENTAL REVIEW
COMMITTEE:**

**INFORMATION
FOR PROPONENTS**

Northern Affairs Program
Department of Indian and
Northern Affairs
Whitehorse, Yukon

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REGIONAL ENVIRONMENTAL REVIEW COMMITTEE:

INFORMATION FOR PROPONENTS

Serpentine gravel mounds of dredge tailings snake for miles down the river valleys of the Klondike Gold Fields. Interspersed only infrequently by clumps of straggling vegetation, the tailings are mute testimony to an era when gold was the all and environmental protection was unheard of.

With the growth of the northern population and construction of the Steese Highway in Alaska and the Top of the World Highway across the Alaska-Yukon border, the once huge Forty Mile Caribou Herd — which had used the area as part of its winter range for thousands of years — began its slide into near extinction.

Large stands of aspen and poplar interspersed with thousands of rotting tree stumps are all that remain of a once vast spruce forest along the banks of the Yukon River. The forest was cut down to fuel the boilers of sternwheelers that began plying the river at the turn of the century.



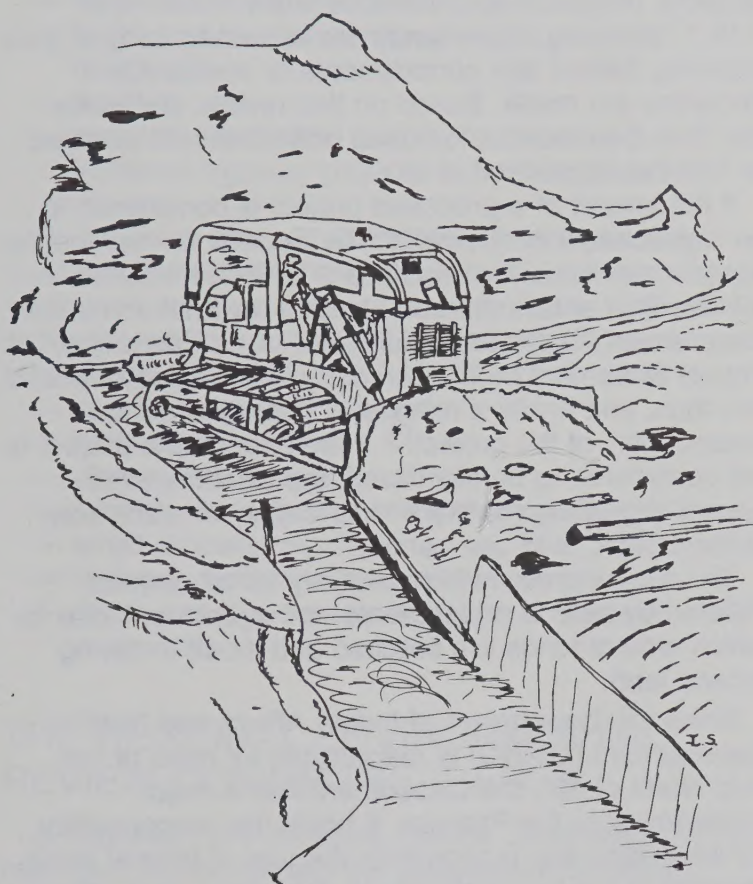
These are just a few of many examples of how the environment has been adversely disrupted and scarred by development. Man has a sizeable potential for inflicting irreparable damage. Each of us has a role to play in maintaining a quality environment for the benefit of those who come after us.

The Department of Indian Affairs and Northern Development has a major commitment to encouraging development in the North, but it is also responsible for environmental protection. Already, the Department monitors and regulates development activity through issuance of land use permits, water use authorization and through mine inspections. Recently, a Regional Environmental Review Committee has been formed as a means of coordinating environmental considerations for all development proposals in Yukon. Individuals or companies planning a project on any scale are considered to be proponents and are now required to go through the process. This process will establish for the proponent, the public and the federal government what the environmental impact of the proposed development will be. Regional Northern Affairs staff are available to work with the proponent in determining what measures are necessary in order to maintain environmental quality.

This pamphlet outlines how the environmental review process works and what a proponent, who plans to operate in Yukon, may expect in dealing with the Regional Environmental Review Committee.



Well Reader, if you've gotten this far you probably suspect that government is trying to shove more rules down your throat. Not so, the Review Committee is designed largely for the benefit of the developer. It allows him to become personally involved in all environmental considerations as well as to improve and streamline the services he receives from government. Read on. If you have any questions or comments, call or write. We want to hear from you.



BACKGROUND

The late 1960's saw the public awaken to the adverse effects of development projects on the natural environment. As a result the Environmental Assessment and Review Process (EARP) was established by the federal Cabinet in the early 1970's. The process was designed to ensure that environmental impacts of projects, programs and activities in the Yukon and N.W.T. involving crown lands are assessed early in their planning, before any commitments or irrevocable decisions are made. Based on this review, decisions can then be made as to how a project should proceed or if it should proceed at all.

If the impact of a proposed project is considered to be significant, it is referred to the Federal Environmental Assessment and Review Office (FEARO) for public review. This entails the setting up of an Environmental Assessment Panel, the preparation of an Environmental Impact Statement by the company, the holding of public hearings, and finally a ministerial decisions on the acceptability of the project.^[1] If the impact of a project is not considered to be significant, then it follows the normal regulatory route (i.e. application for water use authorization, land use permit).

The review process is mandatory for all projects initiated by federal departments and agencies, those for which federal funds are solicited and those involving federal land.

Since the Department of Indian Affairs and Northern Development (DIAND) is responsible for most of the land North of 60°, the Department has a major commitment to the Process. It holds the responsibility for examining any proposal for the use of federal lands or water in the two territories to determine what effects these projects may have on the land and water under its control. However, as the environment includes more than land and water, the Department also coordinates the concerns that other government agencies may have — concerns for wildlife, air quality or other aspects of the environment.

Until recently, DIAND's role in this environmental review was handled from the Department's headquarters in Ottawa by the Northern Environmental Protection Branch. Attention was focussed primarily on oil and gas developments of national significance.

^[1] See Appendix 2

However, smaller mining projects and new developments must also be considered and it has been decided this should be done on a regional basis. The Northern Environmental Protection Branch of DIAND in Ottawa will continue to be responsible for evaluating the significance of the potential environmental impact for the following types of projects:

- oil and gas drilling programs
- large scale hydrocarbon production facilities
- large diameter transboundary pipelines
- hydro and thermal electric projects, over 50 megawatts
- smelters
- major transportation facilities such as major territorial highway projects as well as ports and airports.

The regional office of DIAND in Whitehorse may assess some of the smaller projects that fall into these categories, for example road construction or a small hydro project. In addition, the region will also be responsible for reviewing:

- access roads and tote trails
- mine developments
- placer mining projects
- small scale hydrocarbon production facilities
- small diameter pipelines
- highway reconstruction/realignment projects
- hydro and thermal electric projects under 50 megawatts.

THE REGIONAL ENVIRONMENTAL REVIEW COMMITTEE (RERC)

A Regional Environmental Review Committee (RERC) has been formed to help the Department of Indian Affairs and Northern Development in the decision of whether or not the environmental impact of a project is significant enough to require a public review by FEARO. It is an intergovernmental review committee advisory to DIAND.



WHO ARE THEY?

The Assistant Director of Renewable Resources, Northern Affairs Program, DIAND, is the Chairman of the Committee. Members are from other governments or departments with specific areas of environmental responsibility and expertise. The membership includes:

Federal Government

Chairman: Department of Indian Affairs and Northern Development

Members: Department of Fisheries and Oceans
Department of Environment
Department of Energy, Mines and Resources

Yukon Government

Department of Renewable Resources
Department of Tourism and Economic Development

Other departments may be invited to give opinions to the Chairman when specific projects lie within their area of expertise. Parks Canada, for example, would be asked for advice when a proposed project may have an effect on a nearby national park or national historic site.

WHAT DO THEY DO?

The mandate of the review committee is to appraise proposed development projects for their potential environmental impacts and to make recommendations to DIAND as to whether or not such projects should be referred to FEARO.

The committee members have been selected because of their expertise in their particular area of environmental responsibility. On the basis of this knowledge they review reports and studies submitted to the Committee. They then make recommendations to the Chairman as to their perception of the effect the project may have on the environment. Their role is not to make decisions as to the future of the project, rather it is to provide advice to the Chairman. DIAND remains responsible for the final decision of whether or not to refer a project to FEARO.

The review committee is not a regulatory body, as is for example the Yukon Territory Water Board. It has been formed as an advisory committee to DIAND.



Area of Environmental Responsibility

Lands, forest resources, water use, arctic waters

Fisheries resources, marine mammals

Migratory birds, endangered species, air quality, water quality, environmental contaminants

Environmental advice on mining

Game mammals, fur bearers, upland game

Socio-economic concerns^[2]

However, the Committee may at the request of the Chairman, provide to DIAND recommendations on the mitigation of impacts for those projects not referred to FEARO for public review. Such recommendations may include the necessity to obtain additional environmental information, the necessity for an environmental overview, the need to develop or use alternate technology.

HOW DO THEY DO IT?

Any agency learning of a project (preferably the developer himself) sends a general description of the proposal to the review committee Chairman.

The Chairman, at this point, will make one of two decisions:

1. The Chairman decides that no, it will not be necessary for the Committee to review the proposal. The company can then go on with the normal procedure and apply for the appropriate permits — land use permit, water use authorization or licence, timber cutting permit, land lease, blasting permit, along the regulatory route already established.

^[2] Although socio-economic concerns are not strictly environmental, the Committee is well aware of the overlap that often exists. The attendance of the Department of Tourism and Economic Development provides a first meeting point between the proponent and YTG.

2. The Chairman decides that yes, it is necessary for the committee to review the proposal. The company or individual will be asked to present the Committee with a clear description of the planned operation. The type of information required for this preliminary assessment will be:

- a. A description of the proposed activities. This could include such things as what the raw materials are, what will be done with them, how many people will be involved, what kinds of transportation systems are needed, will water be used. Maps and diagrams are very beneficial.
- b. A description of existing conditions (ie. what is the nature of the area in which the proponent will be working). This could include such things as the amount and quality of water, present use of the land, type of vegetation, wildlife and fisheries.
- c. A description of the anticipated impact of the project including proposed mitigative measures. What will be the effects of the operations (as described under (b))? For example, will chemicals or sediments be discharged into a water course? Will the land surface be disturbed, will animal feeding areas be altered?

When this information has been compiled and submitted, the company will have the opportunity to appear before the RERC to discuss it. The members of the Committee will examine the information and each will come back to the Chairman with his substantiated recommendations regarding the environmental impact of the project. On the basis of these recommendations the Chairman will:

1. Refer the project for further review to FEARO

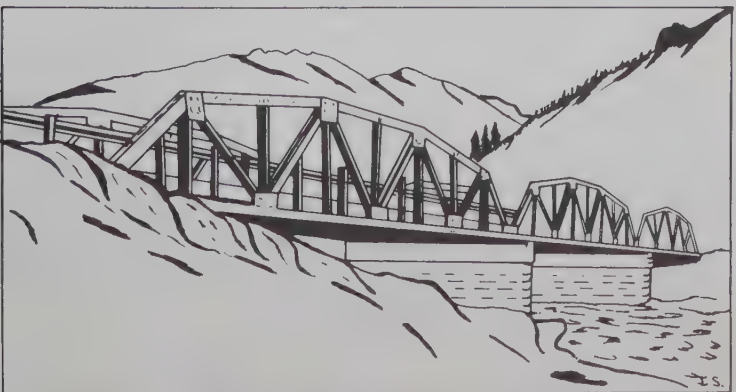
Example: Yukon Minerals Corporation proposes to develop an open pit mine, mill and townsite together with a 20 megawatt hydroelectric power plant on a nearby river. Even before the feasibility study stage it is clear that the effects of this project both on the Yukon economy and on the environment will be very important. The company therefore keeps the Chairman informed of how the proposal is advancing and, when a sufficiently clear definition of the project is available, it is placed before the Committee. Yukon Minerals meets with the Committee on several occasions and the committee also receives a number of letters from interested citizens and groups. The result is a review committee decision that the impact of this project will be so significant that a full environmental assessment by a panel set up by FEARO is in order. The decision to refer a project to FEARO must be confirmed by the Director General, Northern Environment—DIAND's senior

officer responsible for environmental control. The project is then referred to the Executive Director of FEARO who sets up the panel and invites the company to prepare a formal Environmental Impact Statement. The EIS is made available to the public and hearings are held in Yukon so that the panel may gather the views of the public at large. The panel finally recommends the stance that the federal government should adopt. It finds that the project will have significant environmental impacts but the impact can be mitigated by a series of measures which should be included in the various specific permits that will be required. Thus, Yukon Minerals Corporation has the green light for the mine/mill/town/dam concept.

Meanwhile the Review committee member representing the Yukon Department of Tourism and Economic Development has entered into separate negotiations with Yukon Minerals Corporation on the provision of various government services and certain business or labour undertakings that the company may be required to make. Thus, RERC has served as a point of contact between the developer and the governmental agencies responsible for socio-economic assessment.

2. Conclude that the project is unlikely to create adverse environmental effects and should proceed as planned.

Example: Tom Sawyer had always felt an inclination to get into the lumbering business; so when he discovered some fine stands of spruce and pine not far from Whitehorse he immediately applied for a timber permit and for a land lease adjacent to the logging site, on which he hoped to build a sawmill. The officials at Northern Affairs, receiving this dual application, turned the matter over to the Review Committee, since the Committee's role is often one of coordination. The Chairman asked Tom to come to a meeting to explain his plans and to answer a few questions:



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- Would erosion result from the removal of those trees?
 - What were his intentions for reforestation?
 - What equipment would he be using?

Satisfied with the answers to these questions, the Committee made its recommendations. The Chairman found that Sawyer's activities were not expected to have any undue effects on the environment and that the officials responsible for land and timber permits could therefore process the applications that Tom had made. The Committee's review had added one month to the lead time needed before Tom's lumbering business got off the ground.

3. Conclude that the project will have some potentially adverse effects, but recommend mitigative measures to the regulatory agencies.

Example: Mr. A. has an outfitting operation and wishes to build an all-weather road to link his base camp with the highway some 25 miles away. He already knows the officials of the Land Division of DIAND so he contacts DIAND with his proposal. They refer him to the Chairman of the Review Committee. After a brief discussion and an exchange of letters, the Chairman decides that this project should be before the Committee. He therefore asks Mr. A. to prepare a report detailing where his road would go, to what standard and specifications it is to be built, what kind of vehicles would use it and how often, what kind of terrain it would traverse, whether or not there would be any stream crossings and what time and other such information. Mr. A. forwards his report to the Review Committee and meets with it once to answer questions. Over the following few weeks Committee members write recommendations on the project:

- The Department of Fisheries and the Department of Environment have no problem with the building of the road, but the Wildlife Branch is aware of a concentration of Dall sheep in the area and recommends that the road should not be used during a certain period of the year. When all the members responses are submitted, the Chairman decides that this project does not need to go to FEARO. Mr. A. is now free to apply for a Land Use Permit to build his road. However, the Review Committee Chairman makes a recommendation based on the information from the Wildlife Branch that the Land Use Permit should contain a stipulation that the road shall not be used for the period 1 April to 30 June each year. The Land Use officials accept this recommendation, the permit is passed and Mr. A. builds his road.

4. Conclude that too little is known about the impacts that the project may have on the environment and that further study is therefore required.

In this last case, the company will be requested to produce a document known as an Initial Environmental Evaluation. This is a more formal and detailed statement of the expected consequences of the Company's action and focusses on specified activities and impacts outlined by the Review Committee. Once the evaluation is presented to the Committee, members will study it and make their recommendations to the Chairman as before. Having a full range of information before him, the Chairman will choose either option 1, 2 or 3 above.

Example: XY Ventures have been contracted to develop a promising mineral property. Having examined the results of the drilling program and an economic feasibility study, the company believes that there is potential for production mining, a small mill and a camp for about 35 persons. The site will be linked to the highway by an existing road which will require upgrading. Knowing that environmental review will be required for a project of this magnitude, XY Ventures contacts the Chairman of the Review Committee and arranges for the first meeting with the Committee. At that meeting the company presents a written report of its plans detailing type of mining, tonnages, milling process, tailings and waste rock disposal, road work and use and labour force as well as any information available on the terrain, soils, vegetation, water, fish and wildlife in the area. A few weeks later Committee members report back to the Chairman, recommending that a more formal initial environmental evaluation be prepared. The Chairman agrees and the Committee and company meet to draw up specific guidelines on this study. XY Ventures being a fairly small firm, does not have a staff of environmental experts so they contract ABC Consultants to prepare the initial evaluation report. Some months later the report is submitted to the Review Committee. The report satisfies the Committee members who conclude from the information provided that the project need not go to FEARO. The Chairman adopts this recommendation and XY Ventures goes ahead with their applications for specific permits. Most of their preparatory work is already done and they receive a water licence, a land lease and Northern Roads Assistance in short order.

The examples we've used are merely to help clarify the process described in the preceding pages. It must be remembered that these cases are strictly hypothetical and do not represent Committee policies or actual projects. A parallel process exists for those projects which are under the jurisdiction of the Northern Environmental Protection Branch of DIAND in Ottawa.

ARE THE DECISIONS OF THE REGIONAL ENVIRONMENTAL REVIEW COMMITTEE PUBLIC?

Fundamental to the success of the regional environmental review process is the free and effective exchange of information between the proponent, the Committee and the public at large.

Proponents are encouraged to visit the communities which will be most directly affected by their operation. During these visits the public should be fully informed of the nature of the proposed project. They should have an opportunity to direct comments to the proponent. Public meetings have proved to be an effective forum for this exchange.

Although the Committee does not hold public hearings, it is prepared to receive written submissions from concerned individuals or groups on projects under review.

Open files on projects that have been reviewed have been established in Ottawa and Whitehorse. The Whitehorse public registry is located in the office of the Director, Northern Affairs Program, at 200 Range Road, Whitehorse, Yukon, and is readily available to the public. Decisions reached by the Committee will be announced in local newspapers.



WHAT ARE ENVIRONMENTAL EFFECTS?

Some examples of areas of potential environmental effects are:

1. **Physical/Chemical Impacts** — impacts on those elements of the environment which are always present to some degree, namely water, land and air.
2. **Ecological Effects** — effects on the distribution or abundance of plant or animal species. Since all the species in an area are more or less interdependent, effects are rarely limited to those which come into immediate contact with man's activities. Indirect impacts may be important. Animals, for example, are usually affected indirectly through disruption of the area in which they live and the species upon which they depend for food or cover.
3. **Aesthetic Effects** — those that pertain to beauty. Beauty is a combination of qualities which, taken together, delight the senses (pleasant forms, colours, smells or sounds) the mind or the moral sense. One must accept that the perception of beauty is subjective in nature and will reflect personal feelings and cultural heritage. Nevertheless, certain basic qualities, such as harmony in proportion, colour and scale are widely considered to be characteristic of a beautiful object or scene and as such constitute a reasonably good base for unbiased evaluation. A particular locale because of its aesthetic qualities (clean air and water, beaches, wildlife, vegetation cover) may be ideally suited to some particular land use such as a national, territorial or city park. An adjacent development may adversely affect such qualities and thereby decrease the attractiveness of the locale.
4. **Socio-economic** — those that cause changes in patterns of social organization, population, the concentration or dispersment of business activity, the need for government services, etc.

APPENDIX 2

Federal Environmental Assessment and Review Office (FEARO)

Further information on the Federal Environmental Assessment and Review Process is contained in the following publications:

- (a) **Guide for Environmental Screening**, published by Federal Activities Branch, Environmental Protection Service and FEARO, 1978.
- (b) **Revised Guide to the Federal Environmental Assessment and Review Process**, FEARO, May 1979.

These publications are available through:

Land Use Section

Northern Affairs Program-200 Range Road
Whitehorse, Yukon. Y1A 3V1 Telephone 668-5151

Regional Environmental Review Committee (RERC)

Further information on the Regional Environmental Review Committee is available from:

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